

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HARISH MUSEBOYINA,

Plaintiff,

vs.

UR JADDOU, Director, U.S. Citizenship and
Immigration Services,

Defendant.

4:22CV3169

ORDER

This matter is before the Court on plaintiff Harish Museboyina's September 22, 2022, Motion for Temporary Restraining Order. Filing 15. A temporary restraining order may be issued *ex parte* and does not require an evidentiary hearing. Fed. R. Civ. P. 65(b)(1); *Tumey v. Mycroft AI, Inc.*, 27 F.4th 657, 665 (8th Cir. 2022) (noting that there is a material difference between a TRO and a preliminary injunction in the requirement of notice). In this case, the issues are essentially legal, so the Court does not believe an evidentiary hearing is required. Nevertheless, those issues are sufficiently complicated and address operation of a governmental agency, so that the Court finds that Defendant must be given an opportunity to be heard. Recognizing that disposition of a temporary restraining order should ordinarily be expedited, the deadline for any response from Defendant must be soon. Accordingly,

IT IS ORDERED that Defendant shall file a brief in opposition to Museboyina's Motion for Temporary Restraining Order on or before September 28, 2022.

Dated this 23rd day of September, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

s/ Brian C. Buescher
United States District Judge